

Beneficial Use Determinations

- ◆ Complete rewrite of BUD regulations
- ◆ Tailor application and review process to the potential for risk of exposure
- ◆ Develop criteria and standards for decision-making
 - MCP type risk assessments and criteria developed for Categories 3 and 4
- ◆ Draft BUD Guidance document will be available for review and comment at same time as regulations



Objectives

- ◆ Streamline the Process
- ◆ Make It Simple and Clear
- ◆ Promote Recycling
- ◆ Maintain Protection to People and the Environment

Beneficial Use Classification

Applicability Criteria

The permit application requirements, level of review, and standards for approval are commensurate with risk.

	Category I	Category II	Category III	Category IV
USE	Use of Secondary Materials in Commercial Products	Use of Secondary Materials in Regulated Systems	Use of Secondary Materials in Restricted Applications	Uncontrolled Use of Secondary Materials in Unrestricted Applications
CRITERIA	the final product conforms to specifications, as applicable and risk from the final product is similar to products produced from virgin feed stock and pose no significant risk (NSR)	the use is adequately regulated by existing regulations or policies and the use poses NSR	secondary material is recoverable and exposure pathways are restricted and the use poses NSR	material use is integral to soil or unrestricted exposure pathways to hazardous materials but risk assessment demonstrates NSR

Existing BUDs Characterized by Tier

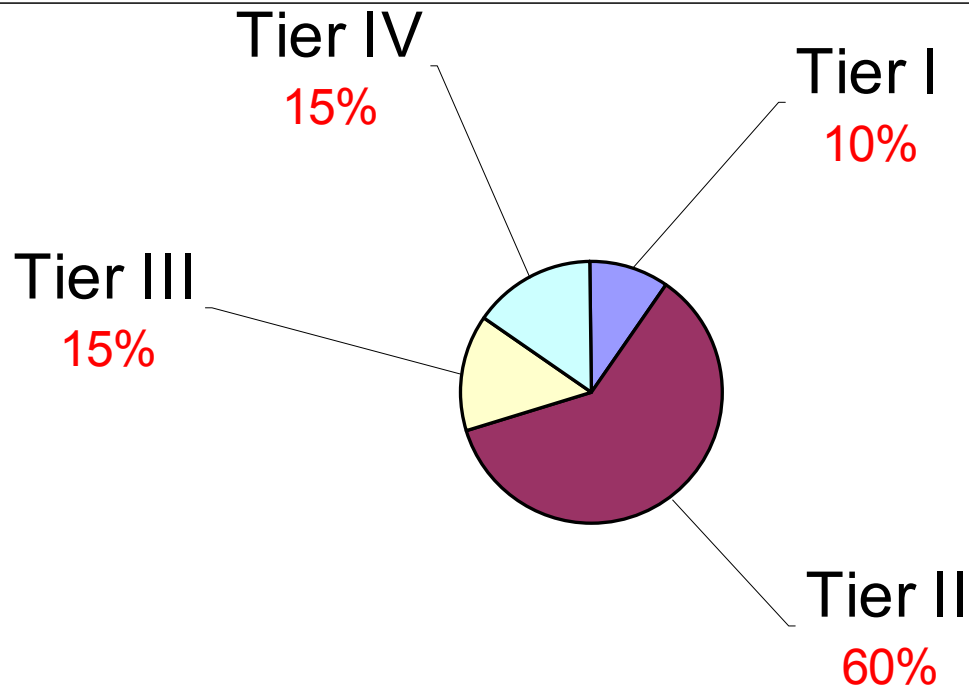
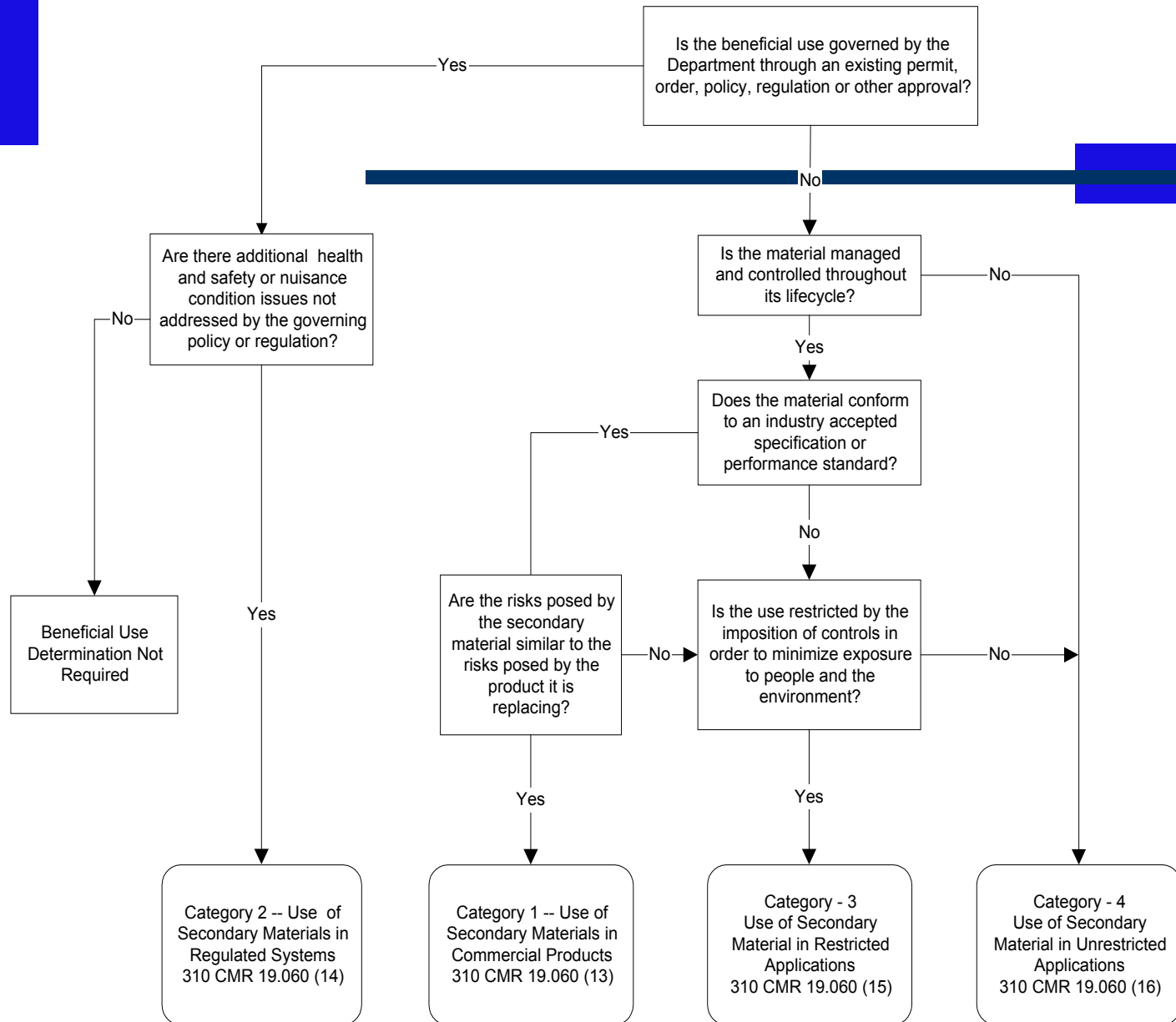


Figure 2: Flowchart for Defining the Appropriate Waste Use Category



Beneficial Use Determinations

- ◆ Approval requires demonstration that:
 - No significant risk to health
 - No significant environmental impacts
 - Reuse will not result in increases in concentrations of Critical Contaminants of Concern (CCCs)
 - Reuse will be in compliance with other applicable standards and guidelines



Measures of Success

- ◆ Will DEP Meet Timelines and Review Most Applications?
- ◆ Will Applicants Submit Comprehensive Applications?
- ◆ Will Beneficial Uses Increase?
- ◆ Will Permit Conditions Be Met?